

VOTING EQUIPMENT SUBGROUP  
MEETING NOTES  
May 9, 2003

Members present: Secretary of State Todd Rokita, Dax Denton (proxy for Dick Dodge), Pam Finlayson, Karen Daily (proxy for Linda Grass), Dee Ann Hart, Laura Herzog, Kathy Richardson and Kristi Robertson. Facilitator: Sarah Taylor.

Others present: David Bear (Public Strategies, Inc.), Steve Corey (Diebold Election Systems), Dax Denton (Association of Indiana Counties), Cris Fulford (Attain, Inc.), Ruth E. Hibbard (Clinton County Clerk & President of Association of Indiana Circuit Court Clerks) and Steve Shamo (MicroVote).

Sarah Taylor opened the meeting with the following general announcements: please note that the revised scheduled date of June 27, 2003 for the Vote Indiana Team will be moved to June 30, 2003 to allow for 30 days of public comment prior to reconvening team members. Sarah also noted that there are only 3 hours of meeting time left for the Voting Equipment subgroup including today's meeting. The collection of email addresses for interested parties in receiving the state plan during the public comment period should be sent to Sarah.

Sarah asked if there were any corrections or additions to April 25, 2003 meeting notes. Pam said she thought the group had reached a consensus that there would not be one vendor selected. Laura agreed with Pam's recollection and added that she left with a positive feeling that their concern had been heard and dealt with at that meeting. Todd responded that the idea discussed at the last meeting is one that allows counties to pick any state certified vendor but is intended to offer a lower cost choice so counties could guard against an unfunded mandate. He recalled the discussion that the federal dollars would not be enough and that a lower cost volume vendor would help stretch the dollars to avoid an unfunded mandate.

Laura Herzog moved that the April 25, 2003 meeting notes be amended by adding the following prior to public comment: Laura echoed Pam's concern that one preferred vendor language be removed. She felt more comfortable getting rid of the word one. "We already have one statewide voter file vendor and do not want a preferred vendor for voting equipment. Please!" The motion was seconded by Karen Daily and passed unanimously.

There was discussion from Pam Finlayson and Laura regarding Secretary Rokita's affirmation that multiple vendors would be needed for the State of Indiana. Secretary Rokita agreed and indicated that the meeting summary accurately reflected his thoughts since the idea discussed at the last meeting does not, in fact, limit county choice at all. He offered the following as an amendment to the minutes for Pam and Laura's comfort:

Secretary Rokita moved the following be inserted next: Todd Rokita agrees that jurisdictions pick their own state certified vendor. It was an idea for stretching the dollars

and had nothing to do with vendor choice. The motion was seconded by Dee Ann Hart and passed unanimously.

There was a question in regards to Steve Corey's statement at the April 25<sup>th</sup> meeting that the QPA expired. Kristi Robertson and Sarah commented that they received an email from Brad King (Indiana Election Division) stating the expiration date is in September of 2003. Steve will check the website and contact Brad if he has further questions or information.

Next the discussion focused on what the Voting Equipment subgroup recommendation would be for the state plan. Members referred to the idea currently in the draft state plan of a quantity acquisition to keep prices lower. Pam Finlayson wanted to know how you would get a QPA. Pam thinks it is too vague for a state plan. Dee Ann Hart said you would have to have a deadline for counties to let you know of their involvement in the purchase. Kristi indicated that some states are taking this approach and are expanding on it by getting together with other states to drive down the price. Pam pointed out that locking into a rate of a system a county might not have seemed too arbitrary and nor did there seem to be enough data. Todd questioned what additional data is necessary to help the state spend the money efficiently. Pam said it is difficult to compare optical scan systems to DREs. Todd noted the backside problem of reimbursing up to a specific amount and reiterated his concern of finding creative ways to keep the price down so as to avoid an unfunded mandate from the federal government to the counties. Pam stressed there are too many variables to consider the use of a vendor for quantity acquisition purposes that might give counties a lower price option.

Pam did like the idea of a QPA for ballot printing since this is an ongoing cost for the counties. It was decided to discuss a ballot printing QPA at the May 16<sup>th</sup> meeting. Sarah reported that Anita Kolkmeier contacted the National Association of Secretaries of State (NASS) to gather information pertaining to the supply and demand of voting systems and the vendors' ability to fulfill so many requests. NASS said vendors are reporting that they will be able to meet every state's demands.

Sarah distributed for discussion purposes only a calculation based on amounts of money designated in the draft state plan for voting equipment. The overall pot of available money used was 40.6 million dollars. 11.9 million is the estimated amount Indiana may receive in Section 102 HAVA dollars for 2983 "qualifying" precincts times 4000 dollars as appropriated. According to HAVA, qualifying precincts used punch card or lever voting systems in November of 2000. Subtracting 11.9 million from 40.6 million leaves 28.7 million for distribution. If you divide 28.7 million by 5608 precincts in Indiana an even distribution of approximately \$5000 per precinct would be available. Laura asked if this meant that qualifying precincts receive monies twice in this calculation. Sarah reported that they did and also offered that not including qualifying precincts in the second layer of calculations would lead to non-qualifying precincts to receive \$10,900 (28.7 million divided by 2625 non qualifying precincts {5608 precincts minus 2983 qualifying precincts equals 2625}).

The draft state plan suggested reimbursement for Tier III at an amount per registered voter. Todd noted the philosophical idea of a flat line per precinct and the weight given to different counties. Todd reiterated the point others made in earlier subgroup meetings regarding the risk of forfeiting any HAVA money if the state does not stop using punch card and lever machines after January 1, 2006. Pam said Tier One counties as described in the draft state plan would need the most lead time to come up to speed and therefore need to be considered first. Kristi noted that Senate Enrolled Act 268 (SEA268) was signed by the Governor and gives priority to punch card and lever counties when reimbursement is made. Laura commented that division by population or number of registered voters does not truly reflect the number of voters in a precinct. Kathy Richardson and Pam both think dividing by precinct makes the most sense.

Sarah briefed Kathy on the Accessibility subgroup idea that counties would certify that polling places are accessible and that their commissioners worked with a local advisory committee made up of voters with impairments or elderly voters to select voting locations. Pam inquired if all counties would have access to a Count Us In representative. Sarah recalled from Accessibility meeting notes that Julia Vaughn of Count Us In indicated that not every county had an organized group but that individuals would be available for consultation. Karen Daily and Kathy both noted a concern for rural areas having polling locations that meet all accessible requirements and still meet Indiana Code 3-11-8-3. Kristi indicated funds might be available for upgrading polling locations.

Todd focused the discussion back on how voting equipment money should be distributed as part of the state plan. Dee Ann and Laura supported the idea of using the calculation as presented at the meeting. Kathy does not want to see a county get less than \$5000 per precinct. Pam stressed she would need more data before supporting a specific concept. Todd reminded members that Julia Vaughn (Count Us In) during public comment stressed that she felt the overall percentage of HAVA dollars in the draft state plan for voting equipment is too much Todd wants the subgroup to come up with a specific recommendation for the amount that should be spent indicating that the current draft calls for over 70% of total spending be on machine upgrades. Kathy noted that the original idea behind HAVA was to replace punch card and lever voting machines. Dee Ann commented that she would like to see more in education and voter file.

After noting that voting equipment subgroup members like the precinct distribution idea, Todd asked the group to decide whether or not punch card and lever counties should be fully funded to reduce the degree of risk to zero of losing HAVA dollars? Pam noted the risk is still out there due to counties like hers, Allen County, that do not have voting equipment with accessible devices. Pam indicated that we are all in this together. She is unaware of a county that does not have a compliance issue. Even reworking the numbers, may not give us enough to cover everything.

Todd and Kristi both offered that they are hearing the most from punch card and lever machine counties. Pam would like to see the amount of money needed by county by different types of systems according to the QPA before drawing further conclusions.

Kristi thought this would provide a good look. Dee Ann volunteered to invite Delaware County Clerk Karen Wenger since it was noted that no punch card counties were represented on the subgroup.

Todd then asked members to decide whether or not special treatment should be given to qualifying precincts that have already changed voting systems since November of 2000? Pam noted that they are already going to have to comply and it is good they have moved on because it will make life easier for them. In essence, they are ahead of the curve and in better shape as Pam sees it. Pam indicated that the team must have a “state view” in the recommendation. Laura noted that she did not want counties to be pitted against each other.

**Pam and Laura volunteered to compile information on all scenarios that each county could find itself in.** It was noted by Todd that a justification is necessary for whatever final recommendation this group makes for the plan. Kathy questioned if the group could justify needing the percentages mentioned in the draft state plan. Todd said it appears it will take that amount of money to get Indiana compliant. He suggested the distribution of money issue be resolved by the next meeting.

Todd introduced Dax Denton from the Association of Indiana Counties who was a proxy for member Dick Dodge if he had anything to note from a county perspective. Dax indicated that he did not at this time.

Public Comment:

Steve Shamo, Micro Vote, shared that punch card counties would need to review their ongoing costs associated with operating their systems as a place to find additional monies when securing a new voting system. Steve noted there is a fear of unfunded mandates. He mentioned the lowest operating cost is with lever machines and in many ways is comparable to costs on a DRE system. Putnam County is an example of a county that was able to transition from punch card to DRE by examining what it was currently spending.

There was discussion by the subgroup to make maintenance of effort at the county level part of the plan.

Steve Shamo indicated that other states are concerned about receiving all their HAVA dollars and questioned what would happen if it becomes more of an unfunded mandate. Steve wants to see more ADA money. He indicated that if a county goes optical scan then DRE that they won't be fully funded. Steve Corey, Diebold, shared his thoughts that if they go DRE that they will not be fully funded. According to Steve Corey, counties that go optical scan then DRE should not have to buy more than one software package. Diebold's package runs both of their systems and so do other companies. Secretary Rokita emphasized that it will be a local decision.

Cris Fulford, Attain, noted that she helped with Senate Enrolled Act 477 on electronic voting equipment. Cris reported that SEA 477 supersedes the subgroup's discussions because it lays out language on acquiring electronic equipment that is accessible at the state and now local level because of language that passed in House Enrolled Act 1724. Both pieces relied on standards set in Section 508 of the Telecommunications Act. She does not believe optical scanners could be purchased. Kristi indicated that FEC standards do not preclude scanners. The template of information for companies is available from the Department of Administration. **Secretary Rokita tasked Anita Kolkmeier, general counsel to the Secretary of State, to research this information for the next meeting on May 16<sup>th</sup>.**

Ruth Hibbard, Clinton County Clerk and President of the Association of Circuit Court Clerks, noted her concern that if one vendor was selected to replace punch card and lever machine systems in 34 counties to keep prices down that counties with contracts for voting systems would need to be bought out of their contractual relationships. Todd noted the QPA needs to account for buy outs. Ruth shared her concern that ongoing costs be considered as part of the QPA because outright purchase prices don't take ongoing costs into account. Karen wanted to know what would happen to counties that lease equipment. It was noted that counties probably have a lease or contract in place that spell out their specific situations. Todd questioned members on whether or not the team should delegate QPA language to the Election Division. Pam indicated that local users should be involved in the issuance of the QPA. **Subgroup members indicated their support for local user involvement in the reissuance of the QPA.**

Two articles were distributed for members' review: an editorial by Secretary Rokita in the *Indianapolis Star* and a story from the *State Legislatures'* magazine shared by Jon Laramore.